

REMARKS

I. Introduction

Claims 14-26 are pending and being considered in the present application. Claims 14, 20, 25, and 26 have been amended, are fully supported by the Specification, and do not add new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgement of the claim to foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

II. Amendments to the Specification

Applicants have amended the Specification to include the claim of priority as required by 37 CFR 1.78(a), as was suggested by the Examiner. The claim of priority was contained in the Declaration and Power of Attorney, and was acknowledged by the Office in the Filing Receipt dated May 18, 2006. Approval and entry are respectfully requested.

III. Rejection of Claims 14, 15, 17, and 26 Under 35 U.S.C. § 102(b)

Claims 14, 15, 17, and 26, are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,307,280 (“Harrington”).

In order for a claim to be anticipated under 35 U.S.C. §102, a single prior art reference must disclose each and every element of the claim in exactly the same way.

Lindeman Maschinenfabrik v. Am. Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984); MPEP §2131.

As an initial matter, claim 15 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 15.

Claim 14, which has been amended herein without prejudice to include features of canceled claim 15, recites, *inter alia*, “providing at least one of a control of a selection of the services and a representation of the services on a user interface.” Harrington does not disclose, or even suggest, these features. Harrington generally discloses “a method for disabling vehicle controls.” Harrington col. 3, lines 17-18. Disabling vehicle controls

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responsive to any one of a set of conditions (*see* Harrington, Figure 3) does not disclose the selection or representation of the services on a user interface, as provided for in the context of claim 14.

Furthermore, the “vehicle controls” of Harrington are clearly input switches for the “electronic device 16” (see col. 2, lines 43-44, and Figure 2, element 20), and not “multimedia and/or telematics services” as recited in claim 14. Thus, not only does the “disabling” of Harrington not disclose, or even suggest, the “control of a selection” or “representation” as provided for in the context of claim 14, but “controls” of Harrington does not disclose, or even suggest, the “services” as provided for in the context of claim 14.

For at least these reasons, Harrington does not disclose, or even suggest all of the features of claim 14, so that Harrington does not anticipate claim 14.

Claim 17 depends from claim 14 and therefore includes all of the features recited in claim 14. Accordingly, Harrington does not anticipate this dependent claim for at least the same reasons set forth above in support of the patentability of claim 14.

Claim 26, as herein amended without prejudice, includes subject matter analogous to that of claim 14, so that Harrington does not anticipate claim 26 for at least essentially the same reasons as claim 14.

Withdrawal of this anticipation rejection is therefore respectfully requested.

IV. Rejection of Claims 16 and 18 to 20 Under 35 U.S.C. § 103(a)

Claims 16 and 18 to 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of U.S. Patent No. 6,968,311 (“Knockeart”).

To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. As discussed below, the Office Action fails to show how the cited prior art teaches or suggests all of the elements of the rejected claims and, therefore, has not established a *prima facie* case of obviousness.

Claims 16 and 18 to 20 depend from claim 14 and are therefore allowable for at least the same reasons as claim 14 since Knockeart does not, and is not asserted to, overcome the deficiencies of Harrington noted above with regard to claim 14.

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Separately and independently, claim 16 should be allowed because Knockeart does not disclose “a prioritization of predetermined services.” Knockeart generally discloses that “manual inputs are rejected when the vehicles speed is too fast for the user to safely use manual inputs . . .” Neither a manual input nor an audible input (*see* Knockeart, Figure 3) is a “multimedia and/or telematics service,” and thus Knockeart does not disclose “a prioritization of predetermined [multimedia and/or telematics] services,” as provided for in the context of claim 16. For this additional reason, the combination of Harrington and Knockeart does not disclose or suggest all of the features of claim 16, so that the combination of Harrington and Knockeart does not render unpatentable claim 16 for this additional reason.

Separately and independently, claim 18 should be allowed because Knockeart does not disclose “speed-dependent selection of an output medium.” Nowhere in Knockeart col. 4, lines 47-64, cited by the Office Action, nor in any section of Knockeart is there any mention of output medium selections. For this additional reason, the combination of Harrington and Knockeart does not disclose or suggest all of the features of claim 18, so that the combination of Harrington and Knockeart does not render unpatentable claim 18 for this additional reason.

Additionally, claim 20 recites “a selection, based at least in part on the speed of the vehicle, of suitable form of representation of contents provided by the particular service on an output medium.” Again, nowhere in Knockeart is a selection or “suitable form of representation of contents” disclosed. For this additional reason, the combination of Harrington and Knockeart does not disclose or suggest all of the features of claim 20, so that the combination of Harrington and Knockeart does not render unpatentable claim 20 for this additional reason.

Withdrawal of this obviousness rejection is therefore respectfully requested.

V. Rejection of Claim 21 Under 35 U.S.C. § 103(a)

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of U.S. Patent No. 5,815,072 (“Yamanaka”).

Claim 21 depends from claim 14 and is therefore allowable for at least the same reasons as claim 14 since Yamanaka does not, and is not asserted to, cure the deficiencies of Harrington noted above with regard to claim 14.

Withdrawal of this obviousness rejection is therefore respectfully requested.

VI. Rejection of Claim 22 Under 35 U.S.C. § 103(a)

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of Knockeart and U.S. Patent No. 7,126,583 (“Breed”).

Claim 22 ultimately depends from claim 14 and is therefore allowable for at least the same reasons as claim 14 since Knockeart and Breed do not, and are not asserted to, cure the deficiencies of Harrington noted above with regard to claim 14.

Withdrawal of this obviousness rejection is therefore respectfully requested.

VII. Rejection of Claim 23 Under 35 U.S.C. § 103(a)

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of U.S. Patent No. 7,082,304 (“Wakabayashi”).

As an initial matter, since International Patent Application No. PCT/JP02/05539, which nationalized in the United States as the Wakabayashi application, was not published in the English language, the effective filing date of Wakabayashi is November 10, 2004, which is after the July 7, 2003 priority date of the present application. In this regard, the present application claims priority to German Patent Application No. 103 30 613.7, filed on July 7, 2003. A claim of priority to German Patent Application No. 103 30 613.7 was made, *inter alia*, in the “Combined Declaration and Power of Attorney for Patent Application” submitted on January 9, 2006, and the Office has acknowledged receipt of all certified copies of the priority document. A certified English-language translation of German Patent Application No. 103 30 613.7 is submitted herewith. In view of the foregoing, it is respectfully submitted that Wakabayashi does not constitute prior art against the present application. As such, withdrawal of this rejection is respectfully submitted.

Notwithstanding the foregoing, it is respectfully submitted that claim 23 is patentable for at least the following additional reasons.

Claim 23 depends from claim 14 and is therefore allowable for at least the same reasons as claim 14, since Wakabayashi does not, and is not asserted to, cure the deficiencies of Harrington noted above with regard to claim 14.

Separately and independently, Wakabayashi may generally disclose a system that “detects a moving speed of the terminal 100 and discriminates if it is necessary to switch a radio link between a radio link 102 without soft handover and a radio link 103 with soft handover.” Wakabayashi at Abstract. Determining, based on speed, if a soft handover is necessary does not disclose “selecting a transmission medium for communication and setting

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corresponding service parameters as a function of speed,” where “service” is “multimedia and/or telematics service[]” as provided for in the context of claim 23.

Withdrawal of this obviousness rejection is therefore respectfully requested.

VIII. Rejection of Claim 24 Under 35 U.S.C. § 103(a)

Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of U.S. Patent No. 6,973,333 (“O’Neil”).

Claim 24 depends from claim 14 and is therefore allowable for at least the same reasons as claim 14 since O’Neil does not, and is not asserted to, cure the deficiencies of Harrington noted above with regard to claim 14.

Withdrawal of this obviousness rejection is therefore respectfully requested.

IX. Rejection of Claim 25 Under 35 U.S.C. § 103(a)

Claims 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrington in view of U.S. Patent No. 6,667,726 (“Damiani”).

Claim 25 has been amended herein without prejudice to include subject matter analogous to that of claim 14 and is therefore allowable for at least essentially the same reasons as claim 14 since Damiani does not cure, and is not cited to cure, the deficiencies of Harrington noted above with regard to claim 14.

Withdrawal of this obviousness rejection is therefore respectfully requested.

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CONCLUSION

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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